

Message Text

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ACTION AF-08

INFO OCT-01 ISO-00 CIAE-00 COME-00 EB-08 INR-07 LAB-04
NSAE-00 SIL-01 OMB-01 AID-05 PC-01 CU-02 IO-13 EUR-12
DHA-02 SCS-03 SCA-01 SP-02 L-03 H-01 DODE-00 PA-01
USIA-06 PRS-01 /083 W

-----141607Z 035447 /46

P 121246Z FEB 77

FM AMCONSUL JOHANNESBURG

TO SECSTATE WASHDC PRIORITY 5615

INFO AMCONSUL CAPE TOWN

AMCONSUL DURBAN VIA POUCH

AMEMBASSY PRETORIA

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CAPE TOWN FOR EMBASSY

DEPT PASS DEPT LABOR

E.O. 11652: N/A

TAGS: ELAB, PINT, SF

SUBJ: US LABOR PRACTICES WITH REGARD TO CRIMINALLY CHARGED
EMPLOYEES

1. PERSONNEL OFFICERS OF GIANT SA CONGLOMERATE ANGLO-AMERICAN CORPORATION HAVE REQUESTED ADVICE CONCERNING US LABOR-INDUSTRIAL MANAGEMENT PRACTICES IN CASE OF EMPLOYEE WHO IS CHARGED WITH CRIMINAL ACTION NOT RELATED TO CONDUCT AT WORK AND/OR ARRESTED OR DETAINED BY POLICE.

2. INQUIRY IS RELATED TO DEBATE WITHIN ANGLO-AMERICAN OVER WHETHER OR NOT TO DISMISS EMPLOYEE WHO HAS BEEN DETAINED BY SAG UNDER SUPPRESSION OF COMMUNISM ACT. UNDER THIS ACT OR CERTAINLY UNDER INTERNAL SECURITY ACT, SAG IS NOT REQUIRED BY LAW TO STATE SPECIFIC REASONS FOR DETENTION OR TO BRING
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INDIVIDUAL TO TRIAL. ACCORDING TO ANGLO-AMERICAN, LAW DOES NOT PERMIT IT TO SUSPEND EMPLOYEE WITH PAY.

3. ANGLO-AMERICAN'S QUESTION IS THEREFORE WOULD US COMMON LAW PRINCIPAL OF "INNOCENT UNTIL PROVEN GUILTY" NORMALLY BE APPLIED BY US EMPLOYER IN CASE OF EMPLOYEE WHO IS ARRESTED BUT NOT BROUGHT TO TRIAL OR WOULD HIS DETENTION

CONSTITUTE GROUNDS FOR DISMISSAL?

4. ACTION: CAN DEPARTMENT OF STATE LEGAL OFFICE AND
DEPARTMENT OF LABOR PROVIDE GUIDANCE ON US PRACTICE IN
SUCH CASES FOR TRANSMITTAL TO ANGLO-AMERICAN?
JOHNSON

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LABOR RELATIONS, CRIMES, ORGANIZATION & MANAGEMENT, FAIR EMPLOYMENT PRACTICES
Control Number: n/a
Copy: SINGLE
Sent Date: 12-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977JOHANN00321
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770052-0134
Format: TEL
From: JOHANNESBURG
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770247/aaaabpjh.tel
Line Count: 68
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: ce0f6ec7-c288-dd11-92da-001cc4696bcc
Office: ACTION AF
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 08-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3335510
Secure: OPEN
Status: NATIVE
Subject: US LABOR PRACTICES WITH REGARD TO CRIMINALLY CHARGED EMPLOYEES
TAGS: ELAB, PINT, SF
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/ce0f6ec7-c288-dd11-92da-001cc4696bcc
Review Markings:
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22 May 2009
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